

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2051.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	September 3, 2003
DATE OF REPORT:	September 30, 2003
REQUEST FOR RECONSIDERATION:	yes/no changes
DATE OF CLOSURE:	October 31, 2003

COMPLAINT ISSUES:

Whether the MSD Lawrence Township violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

FINDINGS OF FACT:

1. The Student is sixteen years old, attends a local high school (the "School"), and is eligible for special education and related services due to autism spectrum disorder and a communication disorder.
2. The Complainant asserts that the School has placed her son in moderately mentally handicapped (MOMH) classes, except for one mildly mentally handicapped (MIMH) class, and that the School refuses to add additional MIMH classes to her son's schedule. The Director reviewed the IEP with the Complainant on September 3, 2003, and informed her that the Student's current IEP states that he should receive full time special classes in a separate classroom. The IEP states that the Student will be placed in a separate classroom within a general education school building with special education and related services provided outside the general education classroom during the instructional day. The Director explained to the Complainant that self-contained classrooms are cross-categorical and that the School does not have classes full of students who are solely MIMH or learning disabled.
3. The Complainant alleges the following accommodations are not being followed: use of an AlphaSmart word processor to record his work; extended time/graded only on work done; shortened assignments; use of calculator, and correct answers accepted in format displayed on the calculator. The first day of school was August 22 and the letter of complaint was filed on August 28. The School was in session for five days when the letter of complaint was written, and no documentation is available in that time frame to indicate whether the IEP was being implemented. There is no specific instance of when the IEP was not being followed.

CONCLUSIONS:

1. Findings of Fact #2 and Fact #3 indicate that the student's IEP is being implemented as written. Therefore, no violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.